

This should not matter since it should be clear that Doan is not an effective reference against the present application. The Examiner suggests that Doan "inherently" teaches the 1.2 etch ratio. However, to be inherent it must "necessarily" teach the 1.2 etch ratio. See M.P.E.P. § 2112.

The etch ratio is a function of the material used for the trench filler material and the second material. Doan says the trench filler material could be CVD (TEOS), BPSG, nitride, or some other material. Doan also says that the second material may be CVD or thermally deposited oxide, nitride, oxynitride, or another oxide. Thus, one has a panoply of potential combinations of the trench filler material and the second material.

Therefore, it cannot be said that "necessarily" Doan teaches the claimed ratio. This must be so because the ratio is dependent on which of the group of materials is selected for each of the trench filler material and the second material. Therefore, Doan does not necessarily teach the ratio, but only does so if one picks and chooses from among the wealth of possibilities that are enumerated. The only guidance on how to pick and choose is contained in the present application.


Therefore, reconsideration of the rejection of claims based on Doan is respectfully requested.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully requested,

Date:

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